

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BOSTON SCIENTIFIC CORP.
SECURITIES LITIGATION

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)
) Civil Action No.
) 1:10-CV-10593-PBS
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)

DEFENDANTS' MOTION TO DISMISS
AMENDED CLASS ACTION COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4, 78u-5, defendants hereby move to dismiss the Amended Class Action Complaint (Dkt. No. 42) filed against them in the above-captioned action. The grounds for this motion are set forth in the accompanying memorandum of law and appendix of public record materials, filed herewith.

WHEREFORE, defendants respectfully request that this Court dismiss this action, with prejudice, and provide such other and further relief as the Court deems appropriate.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendants hereby request oral argument on this motion to dismiss.

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Respectfully submitted,

BOSTON SCIENTIFIC CORPORATION, J.
RAYMOND ELLIOTT, JAMES R. TOBIN,
And SAMUEL R. LENO,

By their attorneys,

/s/ Robert J. Kaler

Robert J. Kaler, BBO #542040

rkaler@mccarter.com

Edward W. Little, Jr., BBO #628985

elittle@mccarter.com

David Himelfarb, BBO #649596

dhimelfarb@mccarter.com

McCarter & English LLP

265 Franklin Street

Boston, MA 02110

Tel. (617) 449-6500

Fax (617) 607-9200

Dated: December 17, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served by hand on local counsel for the plaintiffs, and all counsel of record via electronic mail and via the CM/ECF electronic notification system.

By: /s/ Robert J. Kaler

Date: December 17, 2010